

FILED

MAY 25 2016 *BS*

BOARD OF MASSAGE  
AND BODYWORK THERAPY

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law, 5<sup>th</sup> Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, NJ 07101  
Attorney for the Board of  
Massage and Bodywork Therapy

By: Susan Carboni  
Deputy Attorney General  
Tel. (973) 648-2894

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MASSAGE AND BODYWORK  
THERAPY

_____	:	Administrative Action
IN THE MATTER OF THE LICENSE	:	
APPLICATION OF	:	
	:	
DAVID A. RODRIGUEZ	:	CONSENT ORDER
	:	
TO PRACTICE MASSAGE AND	:	
BODYWORK THERAPY IN THE	:	
STATE OF NEW JERSEY	:	
_____	:	

This matter was opened to the New Jersey State Board of  
Massage and Bodywork Therapy ("Board") upon review of David A.  
Rodriguez's application for licensure as a massage and bodywork

therapist. Upon a review of the application, and the results of the Criminal History Background Check, it was ascertained by the Board that in response to the questions relating to arrests and convictions on the application, the applicant indicated that he had never been charged with or convicted of any offense.

However, the background check indicated that the applicant had been arrested in 2003 on charges related to the possession of marijuana; the charges had been dismissed. In addition, the applicant was arrested in 2006, and convicted of unlawful possession of marijuana. Both arrests occurred in New York. The applicant maintains that he indicated "no" on his application because he had an employee of his school fill out his application for him, and he did not actually read the question: he was under the impression that the question related to New Jersey arrests and convictions, and moreover he claimed he was under the impression that after seven years the charges had been erased from his history.

The Board finds that the applicant knew or should have known that by failing to disclose the fact of the arrest on the application in response to the questions about arrests and/or convictions he was providing misleading information, and that he therefore engaged in misrepresentation on his application in violation of N.J.S.A. 45:1-21(b).

The Board finding that licensure as well as entry of the within order are appropriate, and sufficiently protective of the public health, safety and welfare, and for other good cause shown;

IT IS ON THIS 25<sup>th</sup> DAY OF May, 2016

HEREBY ORDERED AND AGREED THAT:

1. A \$100.00 civil penalty is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(b). Payment shall be in the form of a certified check or money order, and shall be submitted along with this signed order.

2. The applicant's application for licensure shall be granted upon payment of all applicable fees and demonstration of satisfaction of all requirements for licensure, if he has not already done so.

NEW JERSEY STATE BOARD OF  
MASSAGE AND BODYWORK THERAPY

By:

Cynthia Sinicropi-Philibosian  
Cynthia Sinicropi-Philibosian, LMBT  
Chairperson

I have read and understand the  
Within Consent Order and  
agree to be bound by its terms.

David A. Rodriguez  
David A. Rodriguez